

BOARD OF BUILDING CODE STANDARDS AND APPEALS MINUTES

March 4, 2013

Members: Francisco Banuelos, Randy Coonrod, Daryl Crotts, Brad Doeden, Randy Harder, Russ Redford, Larry Webb, Gregg Wilhite, Warren Willenberg

Present: Banuelos, Coonrod, Crotts, Doeden, Harder, Redford, Webb, Wilhite, Willenberg

Staff Members Present: Rick Stubbs, Deb Legge, Bud Lett, Richard Meier, Elaine Hammons (MABCD); Mike Pepoon, (County Law Dept.)

The regular meeting of the Board of Building Code Standards and Appeals was called to order by Chairman Coonrod on Monday, March 4, 2013, at 1:00 p.m., at the Wichita Area Builders' Association Offices, 730 N. Main, Wichita, Kansas.

Chairman Coonrod asked the Board Members and City and County staff to introduce themselves to the public in attendance.

Approval of the March 4, 2013, minutes.

Board Member Harder made a motion to approve the minutes for the March 4, 2013, minutes. Board Member Willenberg seconded the motion. The motion carried. (Board Members Crotts and Wilhite were not present for this vote.)

Public Agenda.

Tin Lu addressed the Board regarding the Board action taken against his Class B Contractor's License in December 2011. Mr. Lu asked the Board to review the case file and consider rehearing it. He explained that he had been unable to respond to the complaint and the Board's request for him to appear in December 2011 due to a serious health condition.

Board Member Webb made a motion to review the case file at the next regularly scheduled meeting. Board Member Crotts seconded the motion. The motion passed. (Board Member Wilhite was not present for this vote.)

Condemnations:

New Cases:

1. 1359 N McLean

Mr. Isaac Oluwadurotimi was present as a representative of the owner, Oluwadurotimi Trust.

A one-and-one-half story frame dwelling, 4,596 square feet in size, the structure has been vacant for several years. This structure has deteriorated wood lap siding; badly deteriorated composition roof, with missing shingles and holes; rotted soffits; and open, concrete inground swimming pool.

The active file was started on the property in February 2012, and several notices have been issued. A nuisance case was also started because of inoperable vehicles on the property. A Pre-condemnation Letter was issued October 24, 2012. The 2009, 2010, 2011, and 2012 taxes are delinquent in the amount of \$15,677.68. The amount includes Special Assessments and interest. There is a 2010 Special Assessment for weed mowing in the amount of \$129.93 and a 2011 Special Assessment for weed mowing in the amount of \$132.38; both amounts include interest.

There is a dead tree, tree waste, and inoperable vehicles on the site. When the MABCD staff last visited the property during the previous week, no repairs had been made; but the property was secured. Staff was contacted by the mortgage holder last week and was notified that the mortgage holder intended to foreclose on the property.

Mr. Oluwadurotimi addressed the Board regarding his plans for the property. He explained that his wife had become seriously ill approximately seven years ago, and they obtained a temporary residence in the vicinity of 13th and Westlink Streets to be near the facility where his wife received medical treatment for her illness. For the most part, their personal possessions and household items were left in the residence on McLean. The exterior of the house is the only deterioration on the house. The cars, Mr. Oluwadurotimi told the Board, are in good condition and are not junk vehicles.

Whenever he is in Wichita, Mr. Oluwadurotimi said, he picks up his wife from their temporary residence, and they stay at the McLean property. Their respective occupations require his wife to stay in New York and Mr. Oluwadurotimi to stay in California for periods of time. When they are both in Wichita, they stay at the McLean house. Mr. Oluwadurotimi went on to say that he and his wife clean the yard every time they come to Wichita. He said the tree debris was left by a neighbor who had contracted someone to trim on his own property.

Mr. Oluwadurotimi requested that the Board allow ninety days for the exterior of the property to be brought into minimum Housing Code compliance.

Liz Carson of Bruce, Bruce & Lehman asked to address the Board. She said the law firm held the mortgage and intended to foreclose. A potential buyer is interested in closing on the property at the end of April if possible.

Roger Crandon told the Board that he was the potential buyer of 1359 N. McLean. He said he has purchased other placarded properties and has repaired them within forty-five to sixty days. If the sale of the property on McLean goes through, Mr. Crandon said he expected to be able to complete the exterior repairs within two weeks of the contract finalization.

Betty Hatton, the occupant of the property next door to the McLean property, told the Board that the current owners abandoned the property approximately eight years ago. There is a mosquito problem because of the neglected pool. She said the mosquito problem created by the neighboring property makes it impossible for her to work in her own backyard.

Elaine Clampett said that she had grown up in the neighborhood and now lives in the property behind the McLean address. She said the pool is not maintained, and there is excessive deterioration of the house.

Board Member Harder made a motion to allow sixty days for the delinquent taxes to be paid and bring the property into compliance, keeping the property in a clean and secure condition in the interim. If the conditions are not met by the specified time, the property will be submitted to the City Council with a recommendation of condemnation, with ten days to begin demolition and ten days to complete the demolition. Board Member Willenberg seconded the motion. The motion carried unanimously. (Board Member Wilhite was not present for this vote.)

At Chairman Coonrod's request, Ms. Legge explained that if the exterior violations are not corrected and the delinquent taxes paid within the sixty days, the property will be submitted to the City Council for condemnation action. If it is submitted to the City Council for condemnation, it will be placed on the Council agenda approximately forty-five to sixty days after the initial sixty-day deadline, once all legal notice publications and notifications have been made.

2. 3038 N Park PI

No one attended the hearing on behalf of this property.

Approximately 38 x 25 feet in size, this two-story frame dwelling is vacant and open. The structure is badly damaged by fire. It has rotted and missing masonite siding; badly worn composition roof with missing shingles; exposed, fire damaged framing members; and fire damaged and rotted fascia and wood trim.

Board Member Harder made a motion to submit the property to the City Council with a recommendation of condemnation, with ten days to begin razing the structure and ten days to complete the wrecking. Board Member Willenberg seconded the motion. The motion passed.

3. 3138 N Park PI

Ms. Faith Puga was present as a representative of the property.

A one-story frame dwelling about 21 x 31 feet in size, the structure is vacant and open; it has rotted masonite siding; deteriorated composition roof with holes; deteriorated rear porch with rotted porch cover; rotted and missing fascia; and rotted framing members and wood trim.

The active case was commenced on the property in 2002. Numerous notices have been issued. There have been two emergency board-ups in the amount of \$183.05 and \$199.06, respectively. There was a Neighborhood Nuisance case initiated in 2008 and another nuisance case initiated in 2009; in both instances the owner complied. A Pre-condemnation Letter was issued on March 3, 2008. The taxes for 2009, 2010, 2011, and 2012 are delinquent in the amount of \$774.33, which includes Special Assessments and interest. There is a 2009 Special Assessment for board-up in the amount of \$210.06. At the last site visit by MABCD staff, recent snowcover prevented a clear view of the property; however, it appeared to be clean. There is a current active Neglected and Vacant Building case on the property, and there are penalty fees due. No repairs have been made. The structure is secure.

Ms. Puga said she had been making payments on the delinquent taxes. After having the trees removed, she plans to have the roof repaired and then the windows.

Board Member Harder made a motion that Ms. Puga appear before the Board at the April 2013 meeting with a definite plan of action for the repair or demolition of the structure, maintaining the site in a clean and secure condition in the interim. Board Member Doeden seconded the motion. The motion was approved. (Board Member Wilhite was not present for this vote.)

Board discussion of HB 2024 (State Registration of Roofing Contractors)

Mr. Stubbs briefly reviewed HB 2025, which passed the Kansas House by a wide margin. Mr. Stubbs provided a summary of the Bill, which will include an annual registration with the State for roofing contractors; annual registration fees; potential background checks of the applicants; and higher insurance requirements for General Liability insurance. For the time being, it appears that local jurisdictions will retain control over their licensing programs and other requirements for contractors in the roofing industry. What the Bill would require is that the local jurisdictions would have to add the contractors' registration to their local programs, and the contractors would be required to include the State registration number on their business forms and advertisement, and display the number on their vehicles. Contractors would have to be registered with the State prior to soliciting for contracts in the State of Kansas. Homeowners doing work on their own roofs will be exempt from the State registration requirements.

The fiscal year for the State closes on June 30th while the end of the calendar year is the end of the fiscal year for both Sedgwick County and the City of Wichita. The difference in the fiscal years between the State and the local jurisdictions may complicate renewal processes for the local jurisdictions.

The time-period for the State to complete its vetting process is estimated to be thirty to sixty days.

Request for approval for the use of QuietBrace wall sheathing. (Off-agenda)

Due to an increase in prices, along with a shortage of the OSB bracing typically used for sheathing on houses, Mr. Lett was asked by Wess Galyon, WABA President/CEO, to request approval for use of a new product, QuietBrace. The City of Wichita Brace Wall Standards document was revised by Mr. Lett and Mr. Meier to allow inclusion of QuietBrace. Installation must be according to building code and manufacturer's installation requirements. This product is not allowed to be used as a section of a braced wall unless it is a full 4' x 8' sheet.

Board Member Doeden stated that as long as the product and any waterproofing material applied over the QuietBrace has a permeability rating of 5-10 or greater permeability rating, he felt it would be permissible.

Board Member Redford made a motion to accept the revision of The City of Wichita Brace Wall Standards document. Board Member Harder seconded the motion. The motion carried.

Chairman Coonrod asked that MABCD do a product investigation on vapor barrier issues with regard to QuietBrace to clarify the best installation practices. Mr. Lett noted that the manufacturer's installation directions address all issues regarding the vapor barrier. Board Member Wilhite asked if the manufacturer referenced any materials to be used in association with the product as far as waterproofing. Mr. Meier responded that the manufacturer's directions says that the product must be covered with a water resistive barrier and approved exterior wall covering.

Board Member Harder made a motion to adjourn. Board Member Webb seconded the motion. The motion was passed.

With no other business to conduct the meeting adjourned at 2:12 p.m.